

AGILENT TECHNOLOGIES, INC.
Legal Department, DL428
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10030753-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Laura Willis Mirkarimi

Serial No.: 10/765647

Examiner: Duy Vu Nguyen Deo

Filing Date: January 26, 2004

Group Art Unit: 1765

Title: Method For Etching High Aspect Ratio Features In III-V Based Compounds For Optoelectronic Devices

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TERMINAL DISCLAIMER
RESPONSIVE TO A PROVISIONAL DOUBLE PATENTING REJECTION

Sir:

Petitioner, Agilent Technologies Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/692,772, filed on Oct. 24, 2003. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

04/17/2006 MBINAS 00000028 501078 10765647

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Rev 06/05 (TermDoc)

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**TERMINAL DISCLAIMER – DOUBLE PATENTING
(continued)****ATTORNEY DOCKET NO. 10030753-01**

Please charge the required fee set forth in 37 CFR 1.29(d) of \$130.00 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

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- ☒ I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents on the date shown below.

Date of Facsimile: April 14, 2006

Typed Name: Linda A. Iimura

Signature: Linda A. Iimura

Respectfully submitted,

By Laura Wills Mirkaraj
Juergen Krause-Polstorff
Attorney/Agent for Applicant(s)

Reg. No. 41,127

Date: April 14, 2006

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